



Community Development Department
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Washington City, UT 84780
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www.washingtoncity.org

Minutes
WASHINGTON CITY PLANNING COMMISSION
October 21, 2015

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Henrie, Commissioner Papa, Commissioner Martinsen, Attorney Jeff Starkey, Drew Ellerman, Lester Dalton, Kathy Spring, Brandee Walker, Marc Raines, Corbin Church, Jim Lillywhite, Richard Elsmore, Karl Larson, Diana Phillips, Scott Julian, Jen Dutson, Debra Welling, Troy Belliston, No Sign in sheet was circulated so there are names not on this that people were in attendance.

Meeting called to order: 5:35 PM

Invocation: Commissioner Williams

Pledge of Allegiance: Commissioner Henrie

1. APPROVAL OF AGENDA

A. Approval of the agenda for October 21, 2015.

Commissioner Henrie motioned to approve the agenda for October 21, 2015.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from October 7, 2015.

Commissioner Williams motioned to approve the minutes from October 7, 2015.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. FINAL PLAT

A. Consideration and recommendation to City Council for the Chateau Meadows Final Plat located at approximately 2700 South 300 East. Applicant: Ray Cox

Background

The applicant is requesting approval of a final plat for the Chateau Meadows subdivision, located at approximately 2700 South 300 East. This particular subdivision is proposing 8 lots on an area covering 9.8 acres. The specific location of this subdivision is zoned Residential/Agricultural - Half Acre Min. (RA-1/2). The Preliminary Plat was approved back on June 3, 2015.

Staff has reviewed the requested proposal, and the proposed final plat, conforms to the approved preliminary plat.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Final plat for the Chateau Meadows subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The final plat meets the land use designation as outlined in the General Plan for the proposed area.
2. That the final plat conforms to the Washington City Zoning Ordinance and Subdivision Ordinance as outlined.
3. The proposed final plat conforms to the approved preliminary plat.

Conditions

1. All improvements shall be completed or bonded for prior to recording the final plat.
2. A current title report policy shall be submitted prior to recording the final plat.
3. Any referenced control monuments related to this subdivision shall be in place prior to recordation of the final plat. A stamped and signed letter from a professional land surveyor licensed in the state of Utah that verifies that the referenced control monuments are in place shall be submitted to the Community Development Department for filing prior to plat recordation.
4. When applicable, in the General Notes where the terms "Home Owners Association", or "Property Owners" are used, they shall be changed to read as "Property Owners and/or Home Owners Association".
5. That a Post Construction Maintenance Agreement be recorded prior to the recording of the final plat.
6. The drainage easement between lots 3 & 4 needs to be increased to twenty feet (20') in width and labeled as a "NO BUILD" area.
7. Dedication of 300 East Street needs to extend to, and be shown to connect with dedication from Pheasant Meadows subdivision.

8. The landscaped area shown on the plat must be labeled as common area and referenced on the plat in some form as being maintained by the Home Owners Association and/or the Property Owners.

Commissioner Henrie asked about the Transportation Plan and the extension of Merrill Road.

Mr. Ellerman replied that Merrill Road is about a 150 feet to the north. He stated the Merrill Road would not affect the property.

Commissioner Smith asked the applicant if they are aware of the conditions.

Brandee Walker replied that they were.

Commissioner Williams motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Shepherd seconded the motion.

Motion passed unanimously.

5. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the Warner Gateway Preliminary Plat located at approximately East of Marlberry Way 4600 South. Applicant: Corbin Church

Background

The applicant is (once again), requesting approval of a Preliminary plat for the Warner Gateway subdivision, located at approximately 4600 South 1200 East (just east of Marlberry Way of The Meadows at Stucki Farms subdivision). The applicant is wishing to develop 150 lots on an area covering 34.84 acres. The previous request was for 162 lots (on the same amount of acreage).

The location of this particular project is zoned Single-Family Residential - 6,000 Sq. Ft. Min. (R-1-6).

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. The one problem area as it relates to this request, is the fact that there is only one ingress/egress roadway available (Marlberry Way) to this proposed subdivision.

With that said, staff is requiring that only 30 lots will be able to apply for final plat status until the time that other ingress/egress points will be established as growth occurs to the either the north or south boundary lines of the subdivision.

Back in August of this year, the first request for a preliminary plat was applied for. That request was heard by the Planning Commission and sent forward to the City Council with a 3-2 vote for denial. In the staff report to the City Council, it was pointed out that the reasons as stated in the motion for denial, were not in accordance with state regulations governing preliminary plat reviews. When the plat reached the City Council, during their consideration of the plat, it was tabled. The Council asked the applicant to go back and re-work the design of the lots to be more

in line with the adjoining subdivision (at least at the easterly boundary). The applicant went back and dropped five (5) lots, upsized the lots along the border on the east (specifically the ones bordering the park area in The Meadows subdivision. At the second review with the City Council, after the tabling of the item, the Council, by a vote of 3-1, denied the request with concerns about access for both the current and future residents of the area, access for construction vehicles, and also the feathering of lot sizes as discussed in the zone change process previously.

The new proposal has changed in the area of lot sizes as follows: the overall lot count has gone from the original number of 162 down to 150; the number of 6,000 sq. ft. lots has gone from 102 down to 51; the number of 7,000 sq. ft. lots has gone up from 26 to 43; the number of 8,000 sq. ft. lots has gone up from 11 to 29; the number of 9,000 sq. ft. lots has gone up from 12 to 21; and number of 10,000 sq. ft. (or greater) lots has stayed the same.

The applicant has (once again) gone back and re-designed the lots, lowering the number of, and adjusting the size of, a large number of the lots, and has re-applied for approval of the preliminary plat. Staff has been highly involved in that re-design, and has once again reviewed the request. Staff strongly recommends approval, with conditions, of the preliminary plat as outlined.

Recommendation

Staff recommends that the Planning Commission recommend approval of the Preliminary Plat for the Warner Gateway subdivision to the City Council, based on the following findings and subject to the following conditions:

Findings

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

Conditions

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.
3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
 - A. A title report.
 - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Only thirty 30) lots will be able to apply for final plat status and be recorded, until the time that alternative ingress/egress roads are made available through development to either the north or the south boundary lines of the subdivision.
12. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Commissioner Williams asked about the 30 lots and where they could be located. He asked if the maximum is 30 homes, could he build all the roads.

Mr. Ellerman stated he could build the road but isn't too likely.

Commissioner Smith asked about the exhibit and is that where the roads will go?

Mr. Ellerman stated the proposed preliminary plat shows the proposed roads. He stated if it changes they would have to amend the preliminary plat.

Commissioner Williams asked Corbin Church about the west side boundary and if they are going to build a wall.

Mr. Church stated there isn't a plan right now, he has discussed this with Stucki but nothing has been decided.

Jim Lillywhite asked the Commissioners if he could do a power point.

Commissioner Smith stated he would discuss it with the commissioners.

Commissioner Williams asked how long the power point would be.

Mr. Lillywhite stated 7 minutes.

Commissioner Smith opened the public hearing. The Commissioners allowed the power point.

Mr. Lillywhite presented his power point. (See attached).

Richard Ellsworth stated he commends Mr. Church for adding larger lots. He stated previously they discussed construction traffic and that hasn't been addressed. He stated Mr. Larsen has stated to him that he has no intention of doing the road to the south. He stated he would like to have a condition that Mr. Church bears the cost of the repairs to Marlberry Way. He stated this project doesn't match Stucki Farms. He stated people would assume this project is a part of Stucki Farms. They will use their park. He stated as far as the CC&Rs, Mr. Church stated he would look into it. The CC&Rs should include that the homes look comparable to the ones in Stucki Farms. He stated there needs to be a park. He stated the Commissioners and the City Council have suggested that Mr. Church work with the adjacent development. He stated there needs to be a green belt between this project and Stucki Farms because they paid premium prices for their homes and now there is a potential that they would look at two story home and that would devalue their property. He stated Mr. Church sold the property to UDOT so he created the access problem. He stated the people in Stucki Farms don't mind the development coming in as long as it would be comparable to Stucki Farms. He stated there isn't a sewer access only one on Marlberry. He stated nothing has changed from the prior plan.

Rod Beady stated this is the first meeting he has attended. He used to live in Green Springs. He stated he appreciates Mr. Church adjusting some of the lot sizes. He stated it still doesn't match what is in Stucki Farms.

Scott Julian stated he and his wife came because of the quality of the area and this project doesn't match their community. He stated Mr. Church hasn't addressed the problems of drainage or the park and it appears it's about money. He stated there should be a green belt. He stated Mr. Church's only response is I got to make money.

Karl Larson stated he appreciates the emotions and understands the position that Mr. Church is in. He stated there was a meeting between him and Mr. Church. He stated his concern is access and sewer. He stated he isn't opposed to the development coming in but none of his concerns have been addressed. He stated the access to the south won't be available for several years and the sewer runs through his development and isn't available to this project. He stated the 30 homes are fine if it meets the conditions and there will not be an agreement on water and sewer.

Commissioner Williams asked Mr. Larson about the cost of access and sewer and if they could come to an agreement.

Mr. Larson stated his conditions aren't outlandish.

Commissioner Shepherd asked about the access.

Mr. Larson stated there is about 35,000 yards of soil that would need to be moved and he didn't want to move it twice that he isn't going to just give it away. He stated he has paid for everything out there. He stated he has to give access to the south but that won't happen soon.

Jen Dutson stated she feels their concerns are not being met with the same plan so they will continue to come to be heard. She stated she feels that Mr. Church is only concerned with making money.

Diana Phillips stated she feels the catch basin may not be adequate. There is a lot of water that comes through the area behind her home. She said, it was stated previously when their detention area filled it would flow to the Stucki Farm basin.

Mark Raines stated as far as the basin it has been designed for the area. He stated Mr. Larson's park is actually a detention basin so it does appear large. He stated when the Parkway came in it has the ability to be a catch basin.

Commissioner Williams asked if the more severe storms that cause flooding would this detention basin be able to handle that much water.

Mr. Raines stated only what their project could handle and then it would go to the historical flow, which is in the Stucki Farms park/detention area.

Commissioner Smith asked if the storm drain was designed for a 100-year flood event and how large is the easement.

Mr. Raines stated about 15 feet is the drainage.

Commissioner Smith asked about the sewer access and if they could use another line other than Marlberry.

Mr. Raines stated to the southwest area.

Commissioner Smith asked if they have a plan B for sewer if not available from Stucki Farms.

Commissioner Shepherd asked how many homes could the current line accommodate.

Mr. Raines stated more than 30 homes. He stated as far as a plan B there are options.

Commissioner Smith commented that if the Stucki Farms access doesn't appear to be available. Have they considered a lift station?

Mr. Raines stated they are in the early stages of development but things can be worked out.

Debbie Welling asked about fire codes and what is the rule for accesses. She suggested they come back after the 30 homes to show the second access. She stated she is concerned that after the 30 homes it will turn ugly because it didn't get built out.

Commissioner Henrie asked if Ms. Welling knows this is a preliminary plat.

Ms. Welling stated she did not.

Commissioner Henrie stated he has to come back with a final plat. This lets him go ahead and design.

Commissioner Smith stated he can do the roads but it would be expensive with only 30 lots.

Ms. Welling stated Mr. Church could just sell it after the okay. She stated the notice sent to them went to Texas.

Commissioner Smith stated they would need to go to the County and check the address.

Diana Phillips stated she would suggest that the drainage go through lot 5 or 6.

Commissioner Henrie motioned to close the public hearing.

Commissioner Williams seconded the motion.

Motion passed unanimously.

Commissioner Shepherd asked about construction access.

Mr. Church stated there is no other way than Marlberry Way. There was an old road to his property and that doesn't exist any more. He stated he understands there is a lot going on and they have done their best to design this project. He stated it isn't feasible to do the same as Stucki Farms. He stated they are diligently trying to work on a second access.

Commissioner Williams asked if there would be CC&Rs.

Mr. Church stated yes there intent is to have CC&Rs.

Attorney Jeff Starkey stated they have common area so they would be required to have CC&R's.

Commissioner Williams asked about two story homes.

Mr. Church stated on the west side they are the same as Stucki Farms. They don't know the design of the homes yet. He stated this is consistent with Stucki Farms.

Commissioner Shepherd asked about the sewer line.

Mr. Church stated he would let Lester Dalton answer that.

Lester Dalton stated there is an 8-inch line that is stubbed in and is more than adequate to serve this project. There are topography issues that will have to be dealt with and a lot of fill brought in from Marlberry Way. They could put in pumps to the homes. The city has considered this piece of property and the best for sewer is to the north west of the development but there is capacity from Marlberry Way.

Commissioner Henrie asked if Marlberry Way is a public right of way.

Mr. Dalton replied yes it is a public right of way.

Commissioner Papa asked about the maintenance of Marlberry Way.

Mr. Dalton stated the city is responsible but if damaged by the developer they would go to the developer.

Commissioner Papa stated his tax money pays for Marlberry Way.

Mr. Church stated before final plat drainage, sewer and traffic have to be met. This is just going to give him an opportunity so he can get started.

Commissioner Henrie stated he appreciates Mr. Church and what he has considered.

Mr. Church stated he appreciates the citizens in Stucki Farms it is a beautiful subdivision.

Commissioner Smith asked Attorney Jeff Starkey if Preliminary Plat is a vesting.

Attorney Starkey stated all land use application have some type of vesting.

Commissioner Smith asked what if they couldn't get sewer and after the 30 lots what happens then?

Attorney Starkey stated all subdivision have to meet all requirement after a preliminary plat approval. He stated there are subdivisions that had sewer onsite such as septic tanks but the County doesn't want that so that was phased out. If they can't meet the conditions they can't build or get a building permit.

Commissioner Shepherd stated one of the questions was why they don't have two entrances.

Mr. Ellerman stated the condition #11 covers that concern. The Fire Marshall stated a second access is required after the 30 lots. He stated there is a history with Bella Vista, Steeplechase and Stucki Farms in the beginning all where limited to the 30 lots.

Commissioner Williams asked about condition #8 regarding the sight distance requirement.

Mr. Ellerman stated coming to a corner there couldn't be anything in the area so far behind the intersection. People need to see down the road, there couldn't be landscaping that would impede with seeing down the road. He stated the requirements needs to be on the plat so the city can go after the developer if there is a violation. He stated Utah requires a Post Maintenance Agreement, the EPA started this requirement and Lester requires it to be on the plats and a document is recorded.

Commissioner Shepherd asked Mr. Raines about the drainage specifically the comment from Ms. Phillips.

Mr. Raines stated they would look at where the drainage will flow to the historical flow per the Stated requirement.

Commissioner Shepherd asked about the easement.

Mr. Raines stated it would show on the plat.

Commissioner Shepherd stated she is going to summarize some comments. The access is there and Mr. Church stated he would have CC&Rs. She stated Mr. Ellerman showed there is a history of second access after 30 lots. She stated it would be nice if this was the same as Stucki Farms but they can't require this development to have the same and it is a pie in the sky to ask for that. Stucki Farms shares the cost of what they have.

Commissioner Williams stated he also shares what Commissioner Shepherd has stated. He stated he is happy that Mr. Church made a feathering. He stated as far as drainage it would help with this development because they have to design drainage.

Commissioner Papa stated he appreciates the effort that Mr. Church has made.

Commissioner Papa motioned to recommend approval to City Council with the findings and conditions of staff.

Commissioner Williams seconded the motion.

Commissioner Papa Aye
Commissioner Henrie Aye
Commissioner Smith Aye
Commissioner Shepherd Aye
Commissioner Williams Aye
Motion passed unanimously.

6. DISCUSSION ITEM

A. Discussion of General Information and Project Status.

Mr. Ellerman announced that there would not be a meeting November 4th due to no submittals for that date.

Commissioner Papa motioned to adjourn the Planning Commission Meeting.
Commissioner Henrie seconded the motion.
Motion passed unanimously.

Meeting adjourned: 7:25 PM

Attested to:


Kathy Spring, Zoning Technician

Washington City

Signed by:


Jason Smith, Chairman

Possible Solution for Warner Gateway.

Possible BLM park.

**Retention pond –
Contains maximum
total 24 hour flow,
based on 100 year
rain with plugged
discharge.**

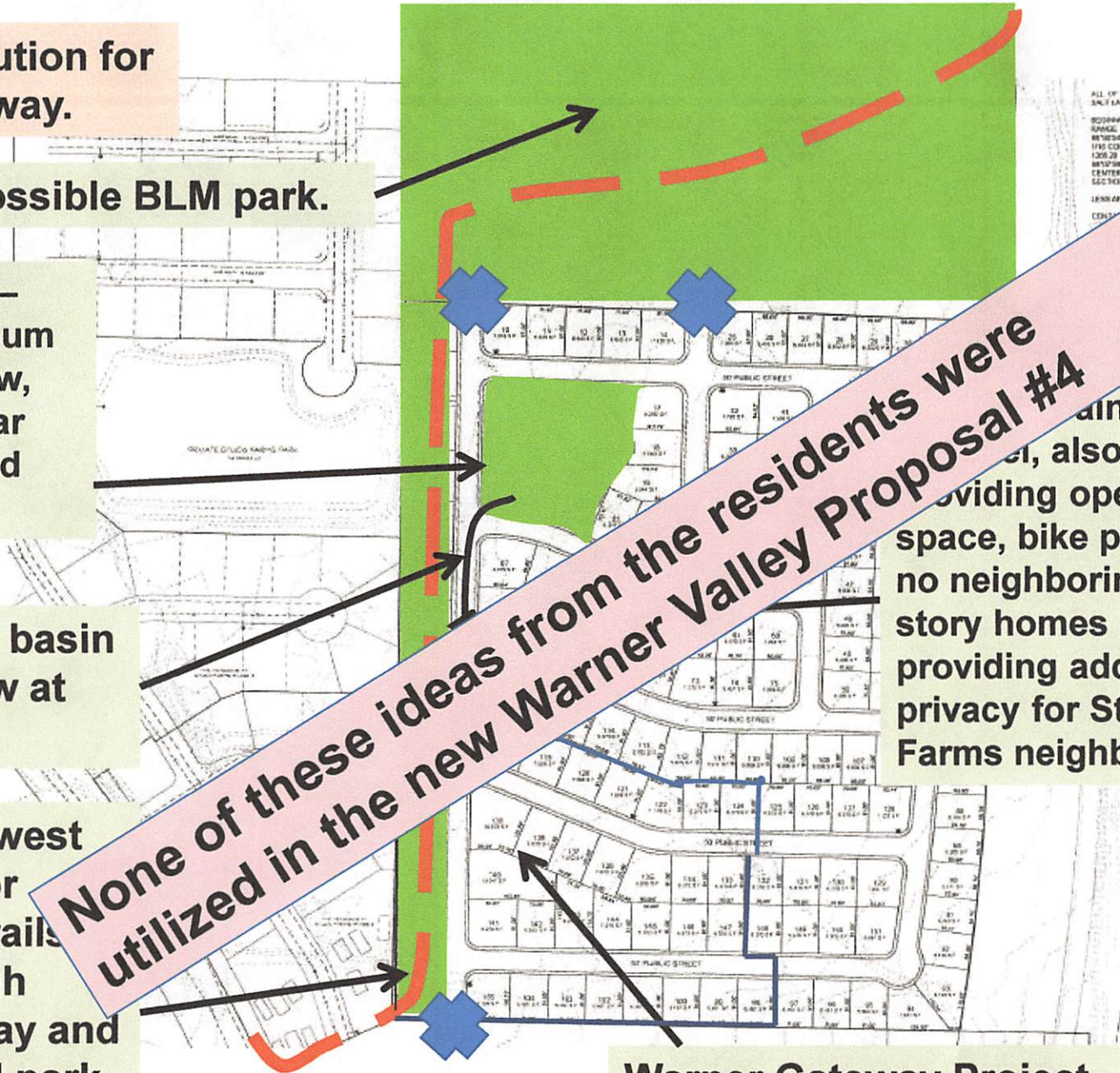
**Storm drain to basin
to carry all flow at
street end.**

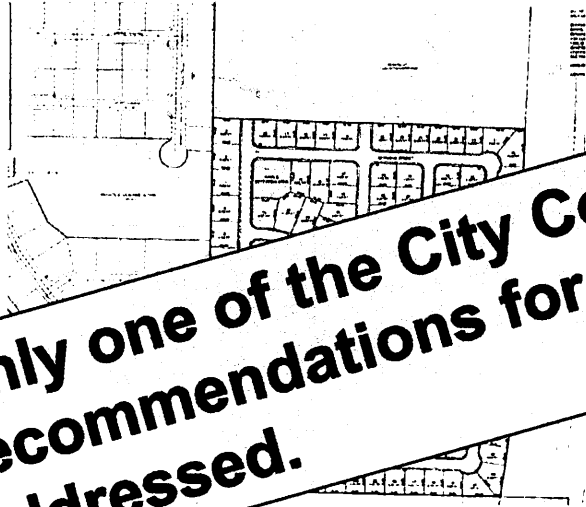
**Possible east/west
access loop for
Washington Trails
Access through
Warner Gateway and
proposed BLM park.**

**None of these ideas from the residents were
utilized in the new Warner Valley Proposal #4**

... drainage
..., also
providing open
space, bike path, and
no neighboring two
story homes
providing additional
privacy for Stucki
Farms neighbors.

**Warner Gateway Project
showing possible first 30 lots.**

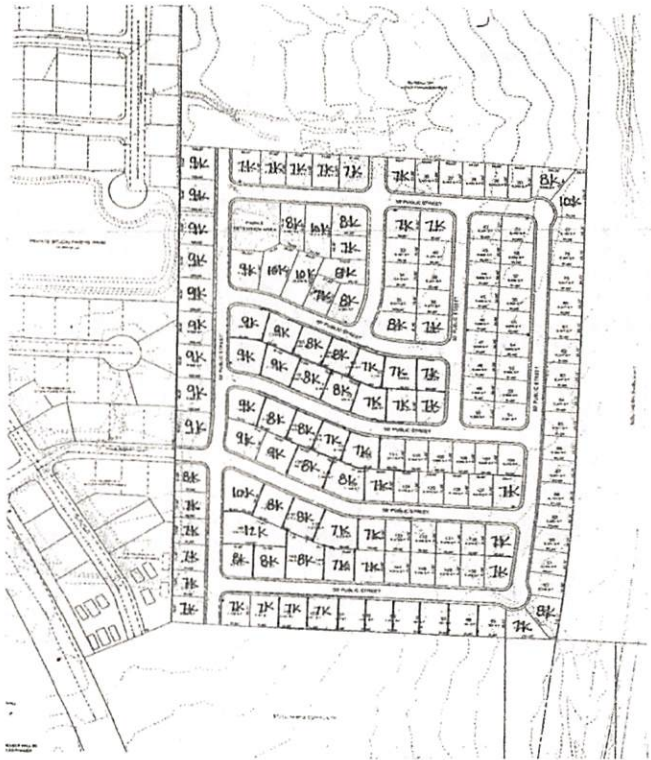




Only one of the City Commission's recommendations for denial were somewhat addressed.

Warner Gateway Rev. 3 - Rejected by City Commission for the following reasons:

- 1. Doesn't meet the agreed modified R6 zoning
Trending toward larger lots next to Stucki Farms
Development – only 22% of lots R8 or above.**
- 2. No 2nd access, or access for construction heavy
equipment as required in Steeple Chase development.**
- 3. No access to sewer in most lots.**
- 4. If allowed, the development would be restricted
to 30 lots due to single access.**



How does the new proposal stack up?

Some improvement:

1. Has a few additional graduated larger lots toward Stucki Farms. Was 22% -- now 29% R8 or above (44 of 150). Should be closer to 50%.

No improvement:

2. No construction heavy equipment second access as required in Steeple Chase development.
3. No access to sewer in most lots.
4. If allowed, the development would be restricted to 30 lots due to single access for 5 – 10 years. No indication on how the 30 lots would be laid out for flood control, etc.

BLM Protected Habitat
Possible reclassification

There appears to be a disconnect between Planning and Zoning, the City Commissioners, the residents, and Mr. Church. How many times will Mr. Church's development plans get rejected before he will adhere to the comments rightfully expressed.?

ing Stuck
opened

PUBLIC HEARING NOTICE

Notice is being given that the Washington City Planning Commission will be holding a Public Hearing on Wednesday, August 5, 2015 at 5:30 P.M., or shortly thereafter, regarding the Warner Gateway Preliminary Plat located at approximately East of Marberry Way 4600 South. Applicant is Corbin Church. Your property is located within the 300-foot vicinity of the request.

You are welcome to attend this meeting or submit in writing your comments or concerns regarding the above request. Agenda's will be available the Friday before Planning Commission Meeting in the Community Development Department or our website at washingtoncity.org. Meeting will be held at the Washington City Offices located at 111 North 100 East, Washington, Utah. If you have any questions, please contact Community Development Department (435) 636-6325.

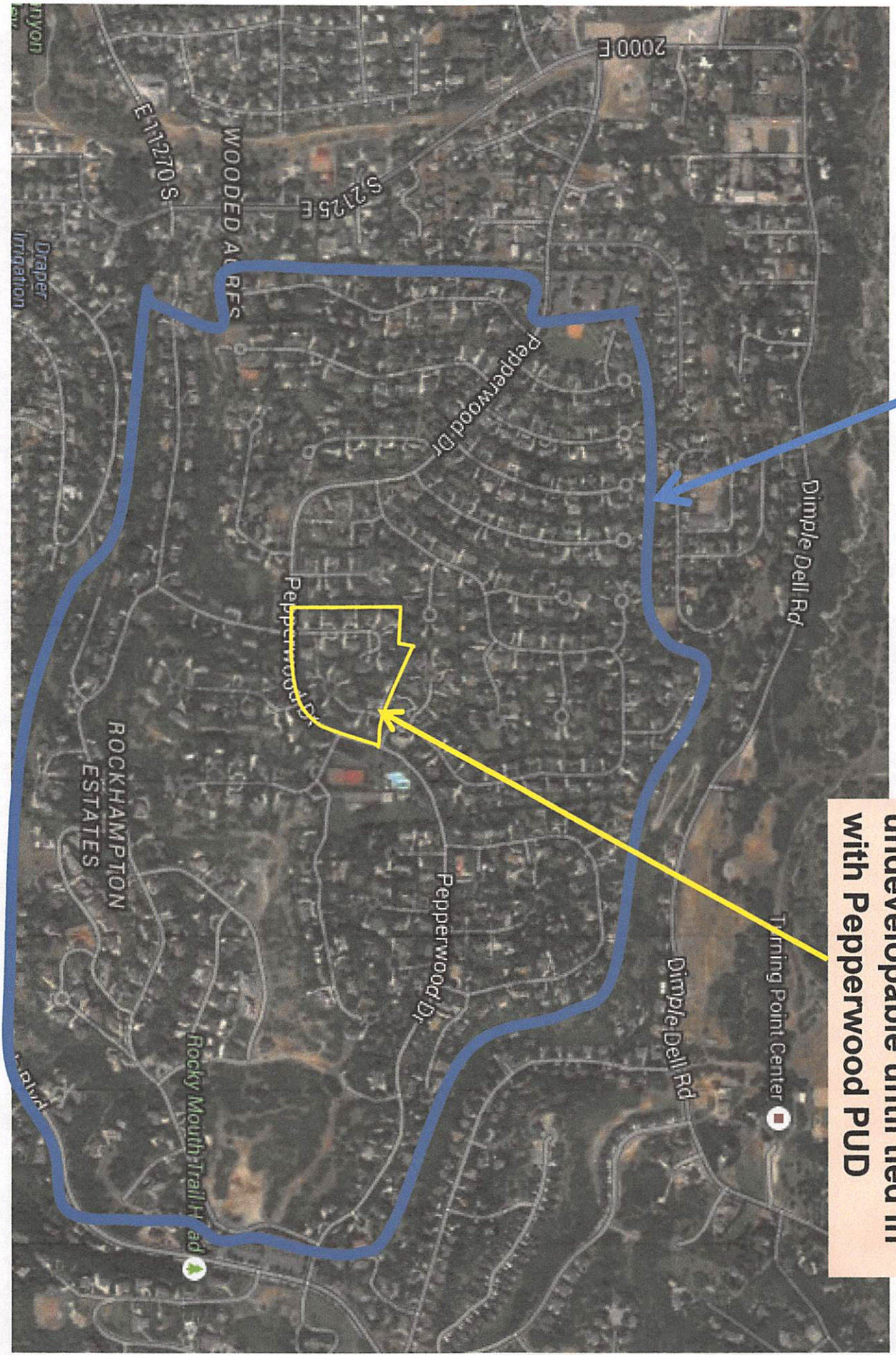
In accordance with the Americans with Disabilities Act, Washington City will make reasonable accommodations to participate in the meeting. Request for assistance can be made by calling the City Planning & Zoning Technician at (435) 636-6325 at least 24 hours in advance of the meeting to be held.

Kathy Spring
Zoning Technician

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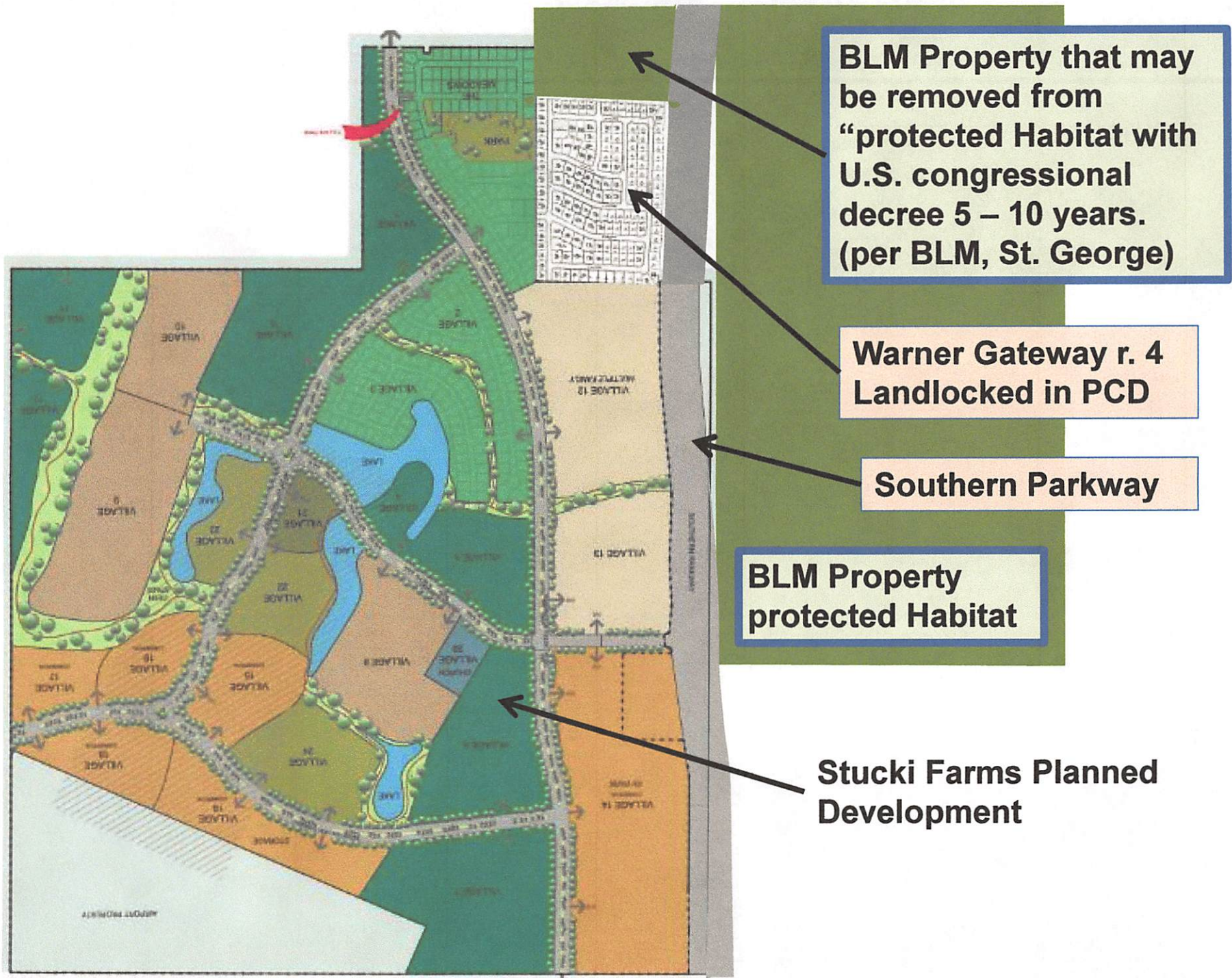
Pepperwood PUD, Sandy, Utah

Landlocked property – undevelopable until tied in with Pepperwood PUD



**15 yrs until agreement reached
to incorporate property into
Pepperwood as an equal share
partner (CC&R's and HOA fees).**



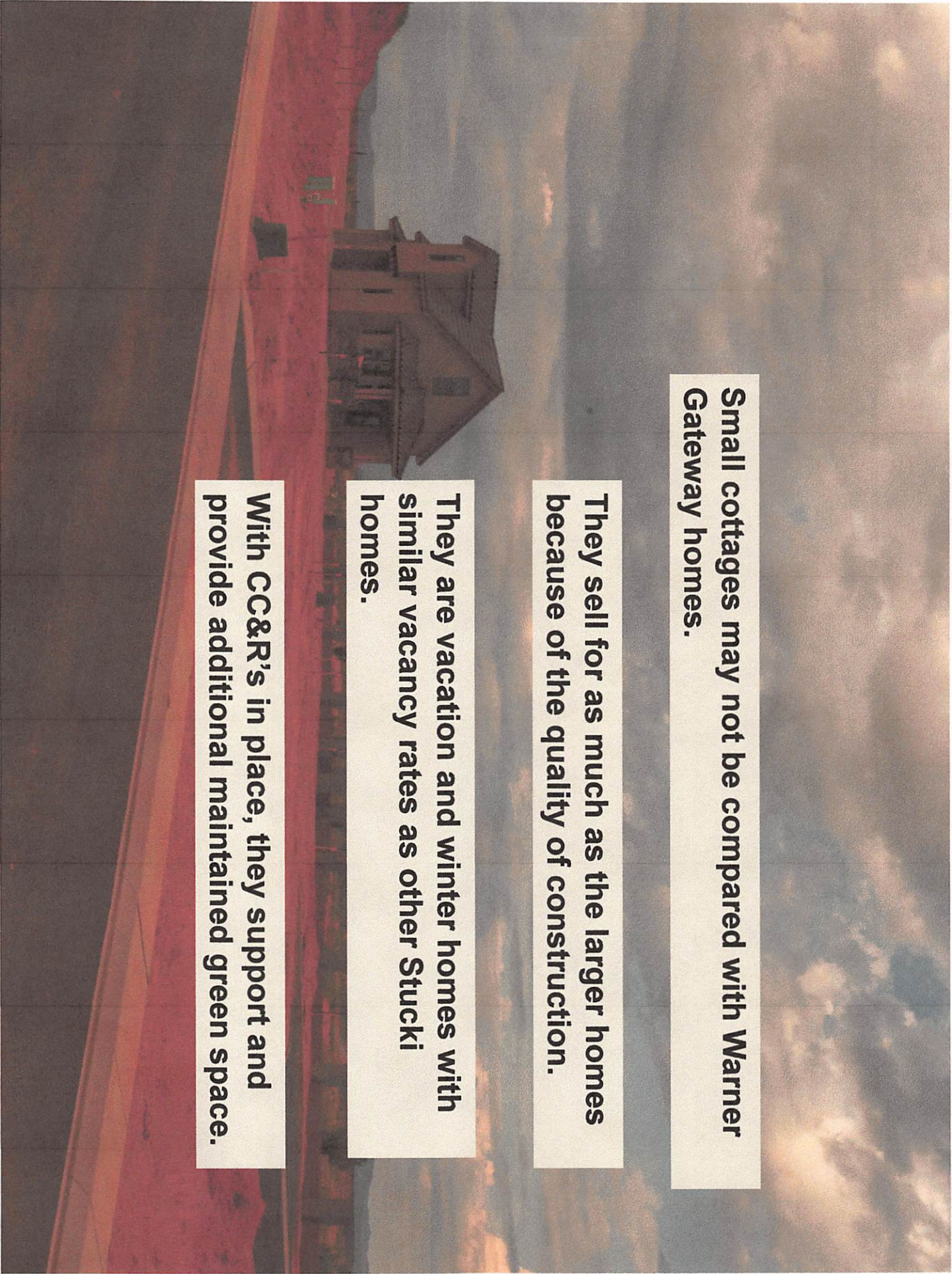




Total lack of protection for Stucki property values due to Warner Gateway development.

- **No CC&R's**
- **No minimum home size**
- **Only double car garages allowed in 71% of lots due to lot size. Translation: RV's, trailers, etc. in driveways.**
- **No requirements for yard maintenance. Home rentals allowed and yards not required to be maintained.**
- **Two story homes allowed in all areas. No privacy for single stories as provided in Stucki Farms now, especially critical with east Stucki premium view lots.**

This translates to depreciated home values for Stucki Farm residents.

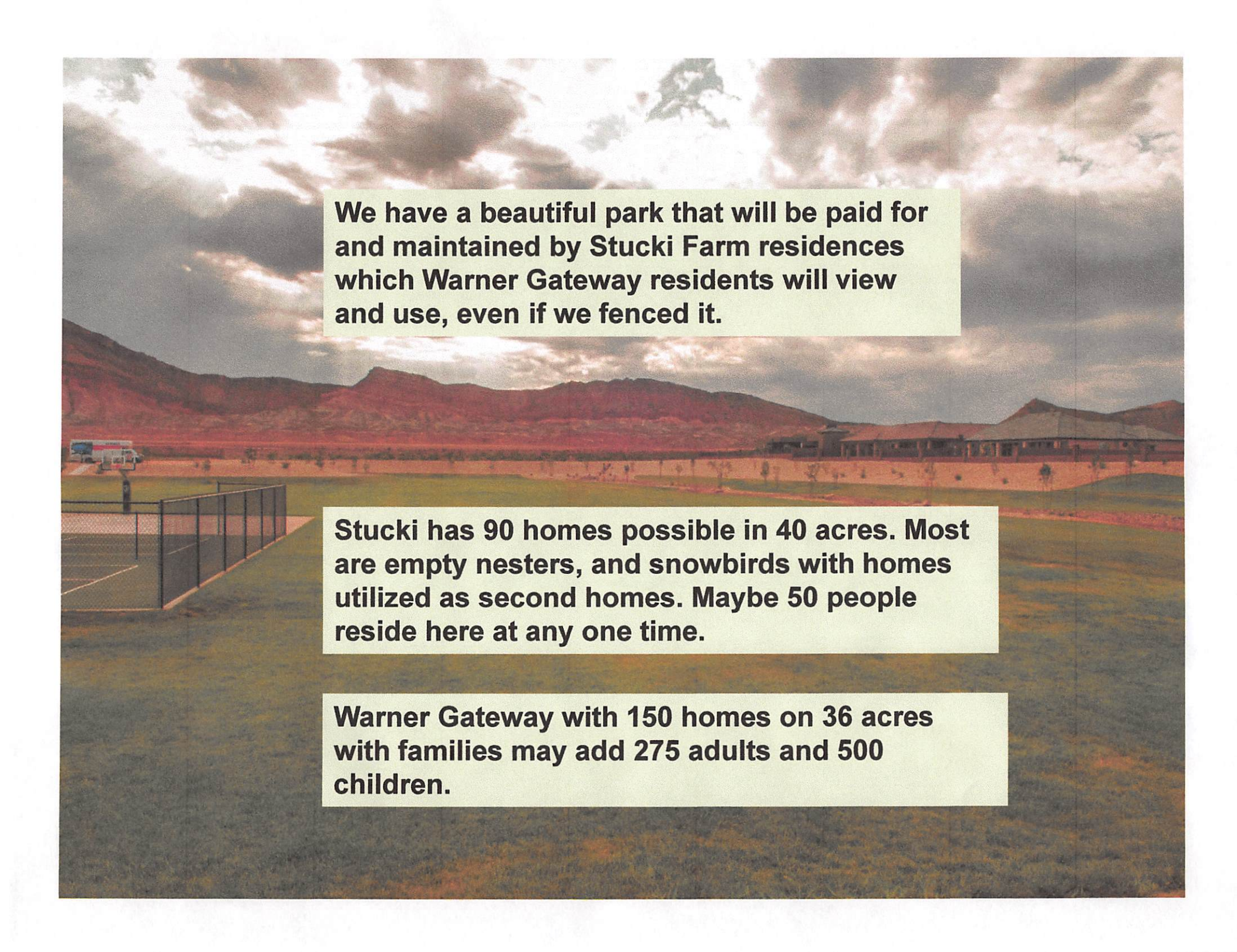


Small cottages may not be compared with Warner Gateway homes.

They sell for as much as the larger homes because of the quality of construction.

They are vacation and winter homes with similar vacancy rates as other Stucki homes.

With CC&R's in place, they support and provide additional maintained green space.

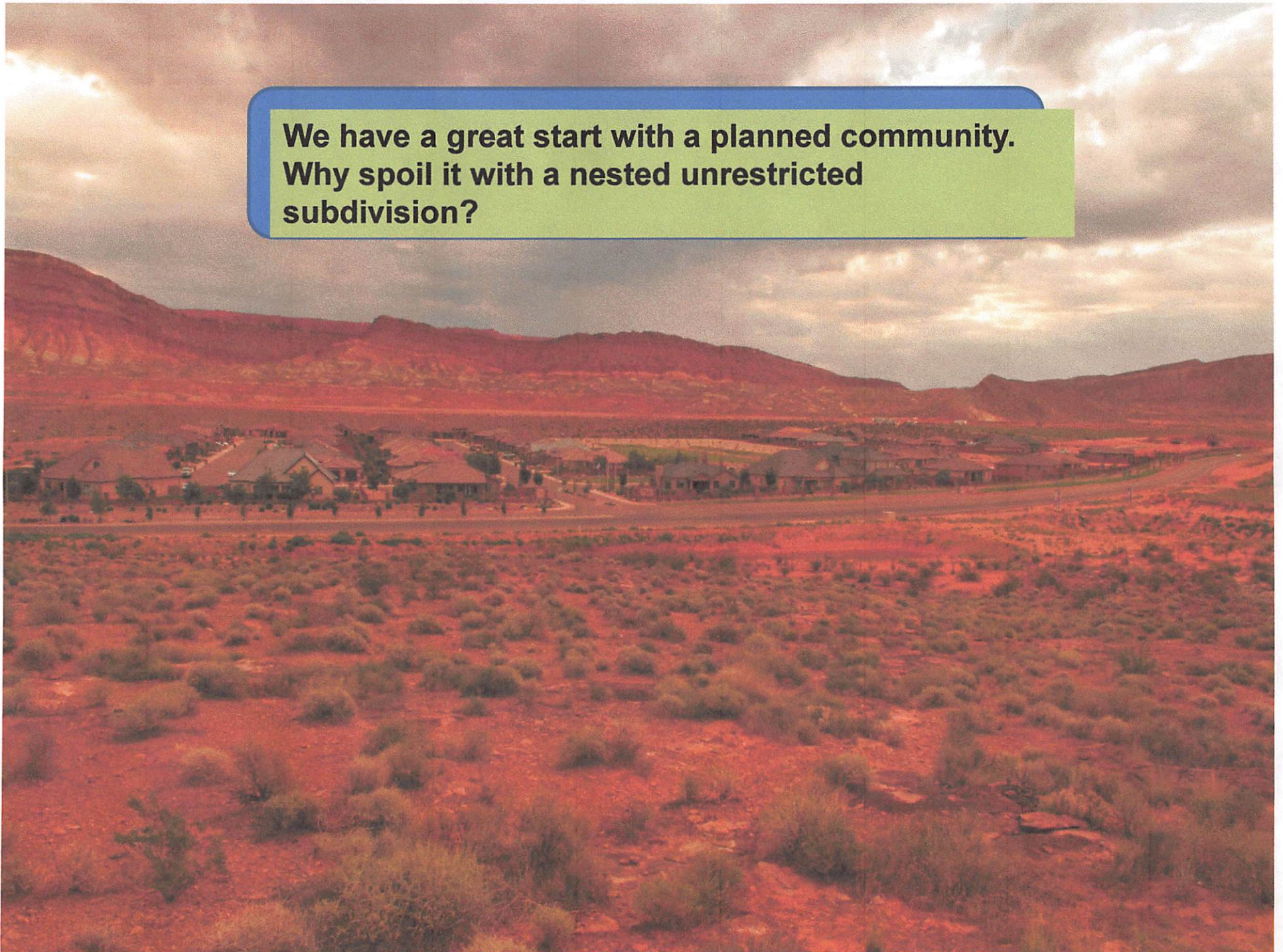
A photograph of a park area. In the foreground, there is a grassy field with a black chain-link fence on the left side. In the background, there is a long, low building with a red roof, and behind it, a range of reddish-brown mountains under a sky with large, white and grey clouds.

We have a beautiful park that will be paid for and maintained by Stucki Farm residences which Warner Gateway residents will view and use, even if we fenced it.

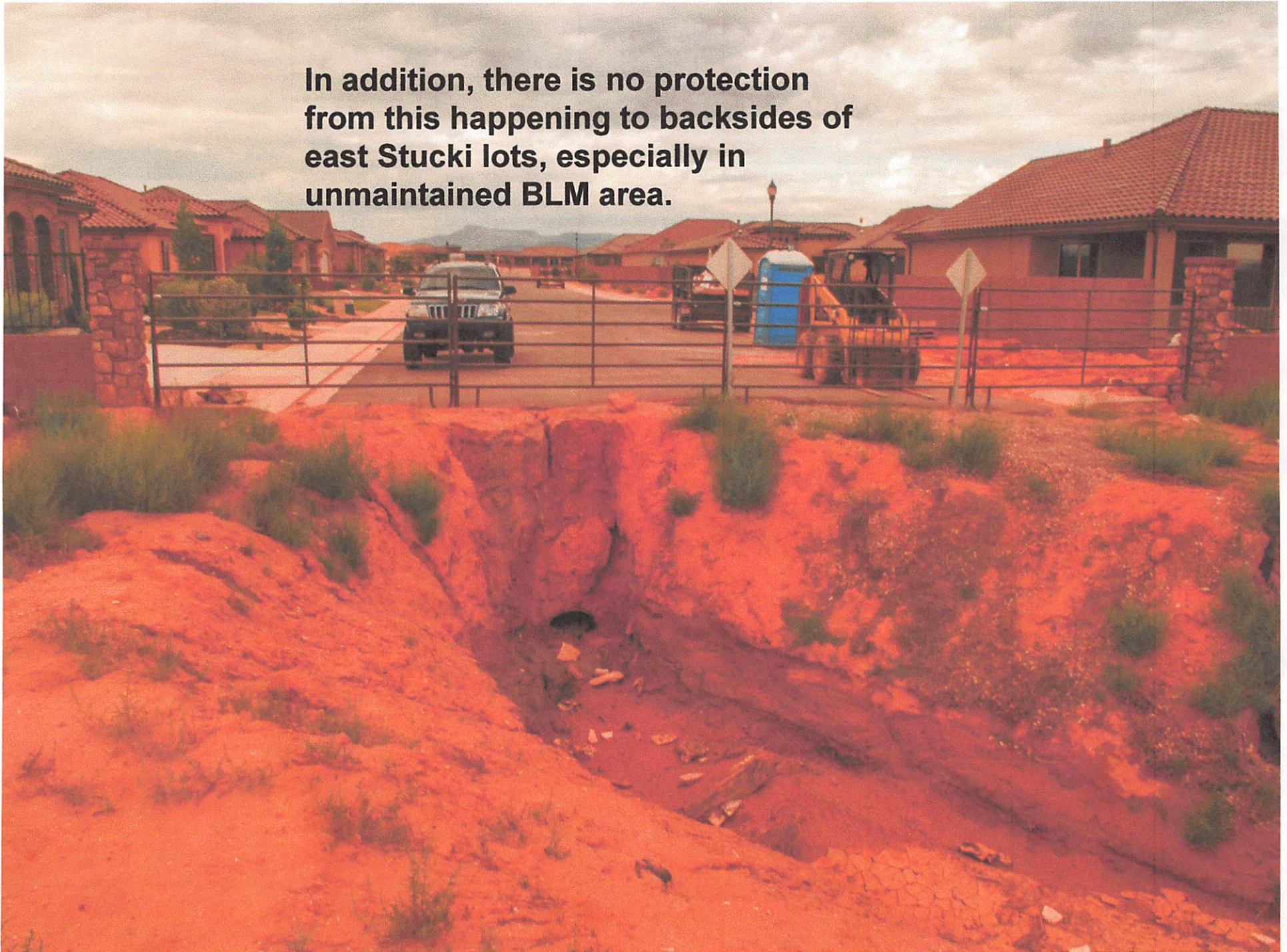
Stucki has 90 homes possible in 40 acres. Most are empty nesters, and snowbirds with homes utilized as second homes. Maybe 50 people reside here at any one time.

Warner Gateway with 150 homes on 36 acres with families may add 275 adults and 500 children.

**We have a great start with a planned community.
Why spoil it with a nested unrestricted
subdivision?**

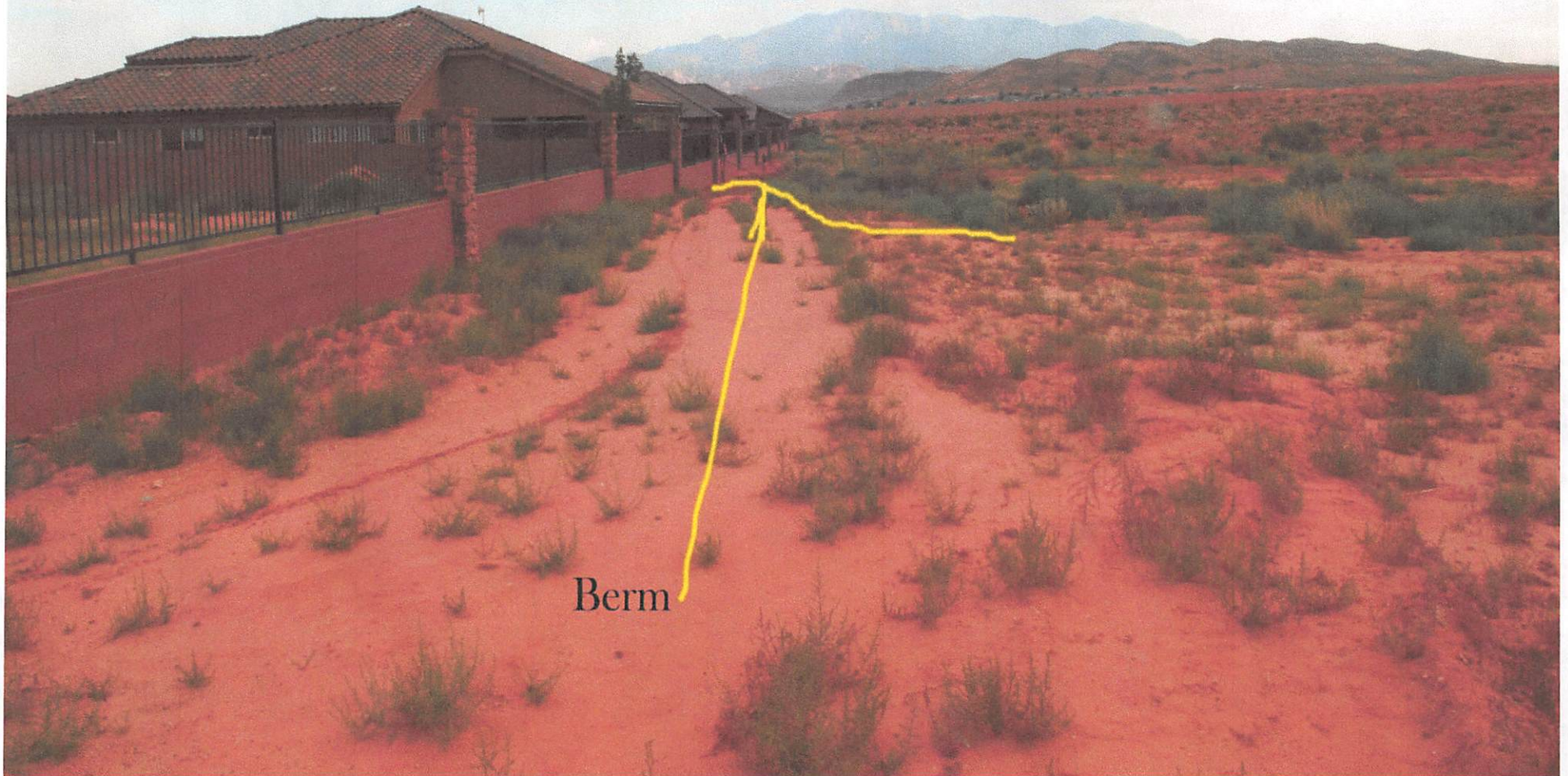


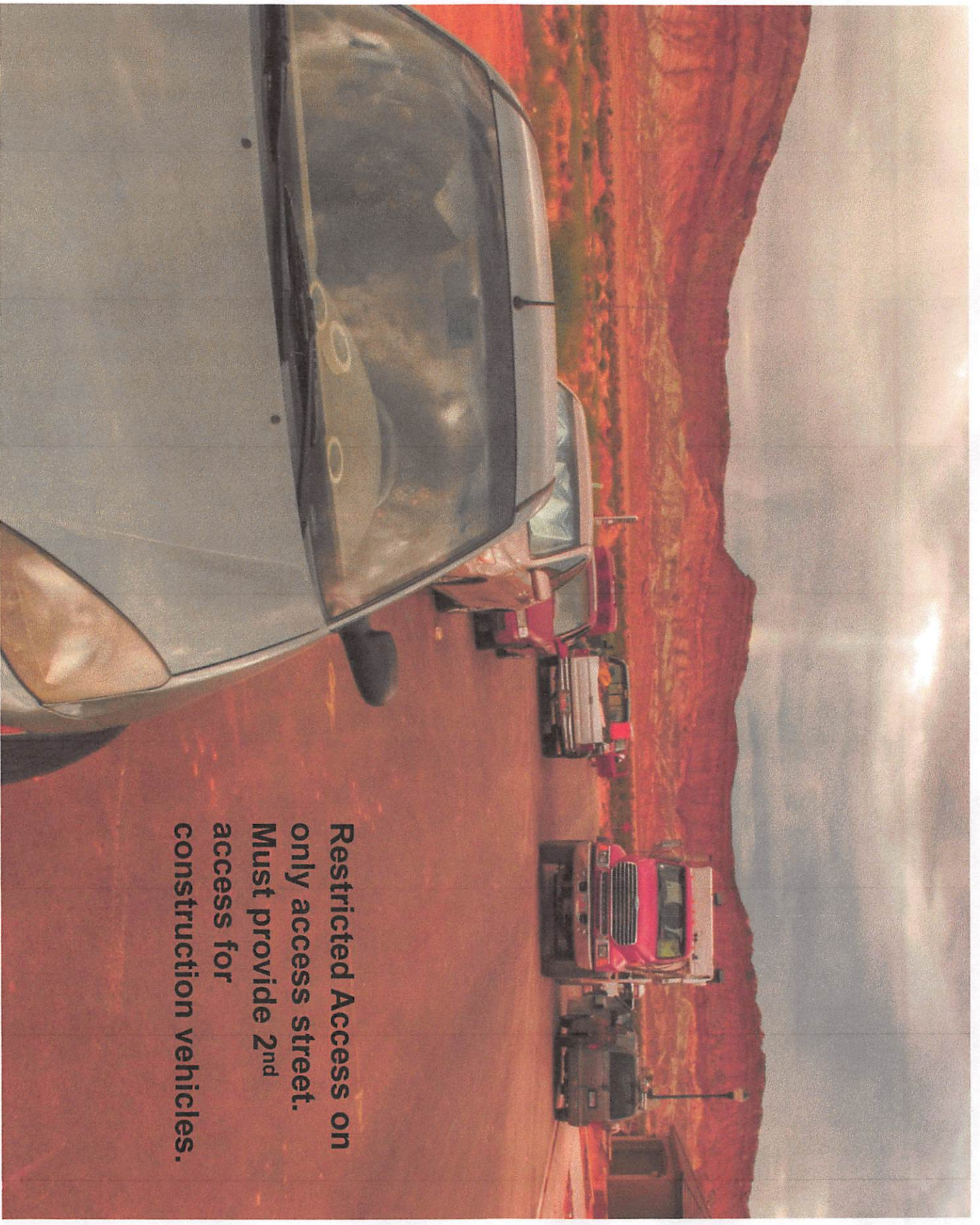
In addition, there is no protection from this happening to backsides of east Stucki lots, especially in unmaintained BLM area.



Will we have protection from flooding?

**Already berm has been washed
out on some lots in Stucki.
Erosion is a problem.**





**Restricted Access on
only access street.
Must provide 2nd
access for
construction vehicles.**